

020204 13281 U.S. PTO

Patent
Attorney Docket No. 034074-794

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING CONTINUATION/DIVISIONAL
APPLICATION UNDER 37 C.F.R. § 1.53(b)

Mail Stop PATENT APPLICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Customer Number 21839

22387 U.S. PTO
10/768970

020204

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 C.F.R. § 1.53(b) of the following pending application, by the following named inventor(s):

Application No. 10/309,569 Filed: December 3, 2002

Title: Methods and Compounds for Inhibiting B-Amyloid Peptide Release And/Or Its Synthesis

Inventor(s): James E. AUDIA et al.

☒ The entire disclosure of the prior application from which a copy of the oath or declaration is supplied herewith is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.

☐ This application is being filed by less than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(2), the Commissioner is requested to delete the name(s) of the following person or persons who are not inventors of the invention being claimed in this application.

☐ This application is being filed by more than all the inventors named in the prior application. In accordance with 37 C.F.R. § 1.63(d)(5), a new oath or declaration is enclosed, and the Commissioner is requested to add the name(s) of the following person or persons who are inventors of the invention being claimed in this application.

☐ Applicant(s) suggests Figure ____ for inclusion on the front page of the patent application publication and patent.

☒ Applicant(s) requests that the published application include the following assignment information:

Elan Pharmaceuticals, Inc., South San Francisco, California

Eli Lilly & Company, Indianapolis, Indiana

1. ☒ Enclosed is a copy of the prior Application No. 10/309,569 as originally filed on December 3, 2002, including copies of the specification, claims, drawings and the executed oath or declaration as filed.
2. ☐ Enclosed is a revised prior application and a copy of the prior executed oath or declaration as filed. No new matter has been added to the revised application.
3. ☐ Small entity status is hereby claimed.
4. ☒ The filing fee is calculated below ☒ and in accordance with the enclosed preliminary amendment.

CLAIMS					
	No. of Claims		Extra Claims	Rate	Fee
Basic Application Fee (1001)					\$ 770.00
Total Claims	1	MINUS 20 =	0	x \$18.00 (1202) =	\$ 0.00
Independent Claims	1	MINUS 3 =	0	x \$86.00 (1201) =	\$ 0.00
If multiple dependent claims are presented, add \$290.00 (1203)					
Total Application Fee					\$ 770.00
<input type="checkbox"/> Small Entity Status claimed - subtract 50% of Total Application Fee					\$ 0.00
Add Assignment Recording Fee of \$40.00 (8021) if Assignment document is enclosed.					
TOTAL APPLICATION FEE DUE					\$ 770.00

5. ☒ This application is being filed without a filing fee. Issuance of a Notice to File Missing Parts of Application is respectfully requested.
6. ☐ Charge _____ to Deposit Account No. 02-4800 for the fee due.
7. ☐ A check in the amount of _____ is enclosed for the fee due.
8. ☐ The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800. This paper is submitted in duplicate.
9. ☒ Cancel in this application original claims _____ 2-89 _____ of the prior application before calculating the filing fee.
10. ☐ New drawings are enclosed.
11. ☐ Applicant(s) claims priority under 35 U.S.C. § 119 of the following application(s):

[illegible]

- ☐ The certified copy of the priority application
☐ is enclosed.
☐ was filed on _____ in prior Application No. _____, filed on _____, and acknowledged by the Examiner on _____ in Paper No. _____.
☐ has not yet been filed.
12. ☒ A preliminary amendment is enclosed.
13. ☐ An Information Disclosure Statement is enclosed.
14. ☐ A General Authorization for Payment of Fees and Petitions for Extensions of Time is enclosed.
15. ☐ Also enclosed is _____

16. ☒ The power of attorney in the prior application is to attorneys of Burns, Doane, Swecker & Mathis, LLP

a. ☐ The power appears in the original papers in the prior application.
b. ☒ Since the power does not appear in the original papers, a copy of the power in the prior application is enclosed.
c. ☐ Recognize as Associate Attorney _____

d. ☒ Address all future communications to: (May only be completed by applicant, or attorney or agent of record.)
Burns, Doane, Swecker & Mathis, L.L.P.
Customer Number **2 1 8 3 9**
P.O. Box 1404
Alexandria, Virginia 22313-1404

February 2, 2004
Date

By: _____

Brian P. O'Shaughnessy
Registration No. 32,747

Address of signator:

Burns, Doane, Swecker & Mathis, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

- ☐ inventor(s)
☐ assignee of complete interest
☒ attorney or agent of record
☐ filed under 37 C.F.R. § 1.34(a)